

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN R. GORT,)
)
 Plaintiff,)
)
v.) No. 09 C 1328
)
WEST SUBURBAN MULTI-SPECIALTY)
MEDICAL SERVICES ASSOCIATIONS,)
S.C., et al.,)
)
 Defendants.)

MEMORANDUM ORDER

SmithKline Beecham Corporation d/b/a GlaxoSmithKline ("GSK") has just filed a Notice of Removal ("Notice") of this action from the Circuit Court of Cook County to this District Court. Because of the whiskered nature of the case (it was brought in March 2006), the filing of the Notice immediately raised a warning flag as to the potential untimeliness of the removal. GSK seeks to explain the delay by describing the checkered history of the case, including bankruptcy proceedings begun, terminated and now reinitiated by plaintiff John Gort ("Gort"). Based on the circumstances it describes, GSK asserts that removal has been implemented within the time specified by the second paragraph of 28 U.S.C. §1446(b).

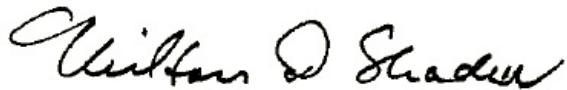
This Court expresses no substantive view on that subject, which it expects Gort's counsel to raise by an appropriate motion if Gort contests the matter. In the meantime:

1. This Court is contemporaneously issuing its initial

scheduling order, which in part sets an early initial status hearing.

2. Because GSK's Judge's Copy of the Notice, as delivered to this Court's chambers, lacks all of the exhibits described in the Notice as being "attached," GSK's counsel is ordered to deliver a full set of those exhibits to this Court's chambers on or before March 13, 2009.

3. Notice ¶15 refers to consents to removal as having been executed and filed by GSK's codefendants. Again no copies of those filed consents have been provided to this Court, and such copies must also be delivered to this Court's chambers on or before March 13.



Milton I. Shadur
Senior United States District Judge

Date: March 4, 2009